

CAUSE NO. DC-19-09828

D&T PARTNERS, LLC  
(successor in interest  
to ACET VENTURE  
PARTNERS, LLC),

Plaintiff,

V.

ACET GLOBAL, LLC;  
BAYMARK ACET HOLDCO,  
LLC; BAYMARK ACET  
DIRECT INVEST, LLC;  
BAYMARK MANAGEMENT,  
LLC; BAYMARK PARTNERS;  
DAVID HOOK; TONY  
LUDLOW; and WINDSPEED  
TRADING, LLC,

Defendants.

IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

116TH JUDICIAL DISTRICT

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REMOTE ORAL AND VIDEOTAPED DEPOSITION OF

DANA TOMERLIN

MARCH 26, 2021

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REMOTE ORAL AND VIDEOTAPED DEPOSITION of DANA TOMERLIN, produced as a witness at the instance of the Defendants, and duly sworn, was taken in the above-styled and numbered cause on March 26, 2021, from 2:03 p.m. to 4:07 p.m., before Mendy A. Schneider, CSR, RPR, in and for the State of Texas, recorded by machine shorthand, remotely at the offices of MENDY SCHNEIDER, LLC, The Woodlands, Texas, pursuant to the Texas Rules of Civil Procedure and the provisions stated on the record or attached hereto; that the deposition shall be read and signed.



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1 question, if you will, just let me complete it before  
2 you give an answer so that we can make it easy on the  
3 court reporter.  
4 A. Okay.  
5 Q. When you give me an answer, also -- this is  
6 one that people tend to fall into -- don't give me  
7 like a -- it's okay to nod, but also give a verbal  
8 answer so that they can write it down.  
9 A. Understood.  
10 Q. If I ask a question that you don't  
11 understand, just tell me. Tell me it's a bad  
12 question, ask me to rephrase it, but just please let  
13 me know.  
14 A. Okay.  
15 Q. And then, we'll just say, if it -- if it's  
16 fair, that if you don't tell me you don't understand  
17 the -- the question, I'll -- I assume that you -- you  
18 understood it.  
19 And then, at any point, if you need to  
20 take a break -- you need to use the restroom, grab a  
21 drink, whatever you need -- just -- just say so, and  
22 we'll take a break. I'll -- I'll probably only ask,  
23 if there's -- if there's a question that I've already  
24 left on the table, just ask that you answer that, and  
25 then we'll take a break any time you need.

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1 A. Okay.  
2 Q. Do you have a preference on how I refer to  
3 you? As Ms. Tomerlin, Dana, or any other name?  
4 A. Just -- no, I'm fine.  
5 Q. Okay. All right.  
6 Ms. Tomerlin, did you do anything to  
7 prepare for the deposition today?  
8 A. We had a meeting yesterday, with coworkers  
9 and the attorney, about what takes place in a  
10 deposition.  
11 Q. Okay. Did you discuss it with anyone else?  
12 A. The -- the coworkers were at the meeting.  
13 Q. Okay.  
14 A. The attorney. And Bill, our boss, was at the  
15 meeting.  
16 They went over the deposition today.  
17 Q. Okay. And is that all -- is that the only  
18 universe of people you met with to prepare for the  
19 deposition?  
20 A. Bill told me about the deposition. He said  
21 there would be a deposition and gave me the  
22 information from the attorney and just said that they  
23 were going to ask some questions, and just to give  
24 them what I know.  
25 Q. Okay. Did Bill talk about any specific

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1 areas?  
2 A. Not -- not that I remember, no.  
3 Q. Okay. Are you currently an employee of  
4 Windspeed Trading?  
5 A. Yes.  
6 Q. Okay. And what's your position?  
7 A. I work in fulfillment.  
8 Q. Okay. And what does that mean?  
9 A. I print the orders, pack the orders and ship  
10 them out.  
11 Q. Okay. So that's orders from customer  
12 customers?  
13 A. They come into our ShipStation. I print the  
14 orders and pack them out, yes, to the customers.  
15 Q. Okay. How long have you been in that  
16 position?  
17 A. I've been doing that for Windspeed this whole  
18 time.  
19 Q. Okay. What are your -- what -- what are your  
20 other responsibilities in that position?  
21 A. I -- I print the orders that come in.  
22 The orders arrive. I print them, I pack  
23 them and I ship them out. I give them to the carrier  
24 that comes by to pick them up.  
25 Q. Okay.

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1 A. And I assist with some customer service  
2 e-mails.  
3 Q. Okay. Do you -- do you order inventory?  
4 A. No.  
5 Q. Okay. Who do you report to for this  
6 position?  
7 A. Bill. Bill Szeto.  
8 Q. Bill Szeto?  
9 A. Yes.  
10 Q. Is there anyone else?  
11 A. No.  
12 Q. And who signs your paycheck?  
13 A. I don't know, really. Bill Szeto, Windspeed.  
14 I'm not...  
15 Q. Okay.  
16 A. I haven't looked at the signature.  
17 I mean, it says "Windspeed Trading" --  
18 Q. Okay.  
19 A. -- on my check.  
20 Q. Who is the -- who owns Windspeed Trading?  
21 A. Bill Szeto.  
22 Q. Okay. Do -- do you know how long Bill Szeto  
23 has been the owner of Windspeed?  
24 A. I believe, since it was created.  
25 Q. Do you know if there are any other owners of

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<p>1 Windspeed?</p> <p>2 A. I don't know of any.</p> <p>3 Q. Okay. Have you had any other positions with</p> <p>4 Windspeed?</p> <p>5 A. No.</p> <p>6 Q. Since you've been there, who else has worked</p> <p>7 at Windspeed?</p> <p>8 A. Let's see. Sai, our sales manager. Jane</p> <p>9 Lin, our accounting department or accounting. Paula</p> <p>10 Ketter [phonetic], she also works in fulfillment.</p> <p>11 Q. Okay.</p> <p>12 A. That's who is there now.</p> <p>13 We had a former employee, Vanessa. I</p> <p>14 can't remember her last name. She worked in customer</p> <p>15 service.</p> <p>16 Q. Okay. Anybody else?</p> <p>17 A. No.</p> <p>18 Q. I'm going to ask you about several entities</p> <p>19 and whether you've held any positions with these</p> <p>20 entities.</p> <p>21 Have you ever worked for ACET Venture</p> <p>22 Partners?</p> <p>23 A. I worked for Koolulu; which, I think that was</p> <p>24 ACET Venture. I'm not completely clear on that.</p> <p>25 Q. Okay.</p>	<p>1 Q. What -- when was that?</p> <p>2 A. I believe it was the end of September of</p> <p>3 2018.</p> <p>4 Q. Okay. What was your position at ACET Global?</p> <p>5 A. I worked for the fulfillment. I printed</p> <p>6 orders, I packed them and I shipped them out.</p> <p>7 Q. Okay. Did you have any other</p> <p>8 responsibilities?</p> <p>9 A. No.</p> <p>10 Q. Did you hold any other positions while at</p> <p>11 ACET Global?</p> <p>12 A. No.</p> <p>13 Q. So if I'm hearing you correctly, it was</p> <p>14 essentially the same exact position?</p> <p>15 MR. PERRIN: Objection; form.</p> <p>16 Q. (BY MR. FREEMAN) Was it a different position</p> <p>17 than the one you hold at Windspeed?</p> <p>18 A. No.</p> <p>19 Q. Was it the same position as the one you hold</p> <p>20 at Windspeed?</p> <p>21 MR. PERRIN: Objection; form.</p> <p>22 A. Yes. I do the same things. I print the</p> <p>23 orders, I pack them and I ship them out.</p> <p>24 Q. (BY MR. FREEMAN) Okay. Who did you report to</p> <p>25 in that position at -- at ACET Global?</p>
Page 11	Page 13
<p>1 A. Yes, I worked for Koolulu. I packed.</p> <p>2 Q. Okay. Let me ask you about a few more, and</p> <p>3 I'll come back to that.</p> <p>4 D&amp;T Partners, LLC?</p> <p>5 A. I don't know that name.</p> <p>6 Q. Baymark ACET Holdco, LLC?</p> <p>7 A. I don't -- I don't know.</p> <p>8 Q. Baymark ACET Direct Invest?</p> <p>9 A. I don't know.</p> <p>10 Q. Baymark Management, LLC?</p> <p>11 A. I don't know.</p> <p>12 Q. A couple more.</p> <p>13 Baymark Partners?</p> <p>14 A. I don't know that one.</p> <p>15 Q. ACET Global, LLC?</p> <p>16 A. Yes.</p> <p>17 Q. So are you currently an employee of Acet</p> <p>18 Global, LLC?</p> <p>19 A. No.</p> <p>20 Q. Okay. When did you start working for ACET</p> <p>21 Global?</p> <p>22 A. I don't remember. I think it was 2017.</p> <p>23 Q. Okay. Do you remember when you stopped</p> <p>24 working for ACET Global?</p> <p>25 A. Yes.</p>	<p>1 A. At first I reported to someone named Amanda,</p> <p>2 and then I reported to Tomer Damti.</p> <p>3 Q. Okay. Who is Amanda?</p> <p>4 A. She was a person that was doing fulfillment</p> <p>5 before.</p> <p>6 Before, I packed orders; and then Amanda</p> <p>7 left, and then I started printing orders.</p> <p>8 Q. Okay. Do you remember when that was?</p> <p>9 A. No, I don't.</p> <p>10 Q. Okay. And then you reported to Tomer Damti?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Did that ever change?</p> <p>13 A. During ACET Global? I'm sorry, I don't</p> <p>14 understand the question.</p> <p>15 Q. Yes, ma'am.</p> <p>16 While you were at ACET Global, did you</p> <p>17 ever report to anyone else?</p> <p>18 A. After Tomer, I reported to Bill Szeto.</p> <p>19 Q. Okay. And do you recall when that changed to</p> <p>20 Bill Szeto?</p> <p>21 A. I think, February. February, March.</p> <p>22 February of 2018.</p> <p>23 Q. Okay. Was -- was Bill Szeto -- was he the</p> <p>24 boss at ACET Global at that point?</p> <p>25 A. I don't understand the question.</p>

4 (Pages 10 to 13)

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1 Q. What was -- what was Bill Szeto's title or  
2 role at ACET Global?  
3 A. I believe he was the CEO.  
4 Q. Okay. Did he -- did he hold himself out as  
5 the CEO, or do you know?  
6 A. What -- what does that mean? I don't  
7 understand what you're asking.  
8 Q. Did he refer to himself as the CEO? Did  
9 other people refer to him as a CEO?  
10 A. Yes, I believe so.  
11 Q. Okay. Who had hired you at ACET Global  
12 partners?  
13 A. I had an interview --  
14 MS. HARD-WILSON: Objection; form.  
15 Q. (BY MR. FREEMAN) You can answer the question.  
16 A. Oh.  
17 I -- I had an interview with Monica, and  
18 she had me report to work.  
19 Q. Okay. With ACET Global, what happened to  
20 ACET Global?  
21 MR. PERRIN: Objection; form.  
22 MS. HARD-WILSON: Objection; form.  
23 A. I don't -- I don't know what you're asking.  
24 Q. (BY MR. FREEMAN) Is it still around?  
25 A. I'm not sure. I don't know.

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1 I know I received a termination letter  
2 from ACET Global.  
3 Q. Okay. That's what I'm wondering; what --  
4 what happened, as far as you know, to ACET Global.  
5 MS. HARD-WILSON: Objection; form.  
6 A. I don't have that information. I'm not -- I  
7 don't know what happened.  
8 Q. (BY MR. FREEMAN) Okay. Come back to that.  
9 I'm -- I'm going to ask you about a few people, just  
10 would like to know what you know about them.  
11 Tomer Damti. Who -- who is Tomer Damti?  
12 A. I worked for him.  
13 Q. Okay.  
14 A. At ACET Global and Koolulu.  
15 Q. Okay. When -- when did you first meet  
16 Mr. Damti?  
17 A. I think it was, I mean, 2014, at Koolulu.  
18 Q. Okay. So he was your boss at Koolulu?  
19 A. Yes.  
20 Q. Okay. Was it Mr. Damti that made the  
21 decision to hire you?  
22 A. I am not sure. I don't know.  
23 Q. Okay. What was your impression of Mr. Damti?  
24 A. I had no problems with Mr. Damti. I just  
25 worked for him.

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1 Q. Did you -- did you like him, not like him?  
2 A. He was fine. I had no problems with him.  
3 Q. Okay.  
4 A. I just worked.  
5 Q. Let me ask you about Mr. Szeto.  
6 Who is -- who is Mr. Szeto?  
7 A. It's who I -- it's -- I work for him now.  
8 Q. Okay. When did you first meet Mr. Szeto?  
9 A. While I -- while I was at ACET Global.  
10 Q. Okay. Was that 2017? 2018?  
11 A. I don't know. I don't remember.  
12 Q. Okay. What was his role, again, at -- at  
13 ACET Global?  
14 A. He -- I think he was the CEO of ACET Global.  
15 Q. Okay. And you reported to him once he took  
16 that position?  
17 A. Yes.  
18 Q. How would you describe him as a boss?  
19 A. He's fine. I work for him. I have no  
20 problems with him.  
21 Q. Okay. What about Matt Denegre? Do you know  
22 Matt Denegre?  
23 A. I believe I've met him before.  
24 Q. Do you know when you first met him?  
25 A. No, I don't.

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1 Q. Under what circumstances do you recall  
2 meeting him or interacting with him?  
3 A. Just saw him, like, in a hallway and said  
4 hello and was introduced to who he was, but that was  
5 it.  
6 Q. Was he with ACET Global?  
7 A. I don't know.  
8 Q. Okay. Don't know what his role really was?  
9 A. I don't know.  
10 Q. Did you ever report to him?  
11 A. No.  
12 Q. Did you ever have any discussions with him  
13 about ACET Global?  
14 A. No.  
15 Q. Did he ever attend any company meetings?  
16 A. Not that I can remember.  
17 Q. Do you know David Hook?  
18 A. No.  
19 Q. Do you know who David Hook is?  
20 A. No, I don't know.  
21 Q. Okay. Do you know Tony, or Anthony, Ludlow?  
22 A. No, I don't know who they are.  
23 Q. Don't know who he is?  
24 A. No.  
25 Q. Are you familiar with any of these companies?

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1 Baymark ACET Holdco, LLC?

2 A. No, I'm not -- I'm not familiar.

3 Q. Are you familiar with any entities with the

4 name Baymark in it?

5 A. I've heard the name Baymark, yes.

6 Q. Okay.

7 A. But I don't know those names.

8 Q. Let me -- let me ask you a few more specific

9 ones just to see if you're familiar.

10 Baymark ACET Direct Invest?

11 A. No.

12 Q. Baymark Partners, LP?

13 A. No, I don't know.

14 Q. Baymark Management, LLC?

15 A. I don't know.

16 Q. Or Baymark Partners Management, LLC?

17 A. I don't know. I've only heard the name

18 Baymark throughout the time. That's the only thing

19 I've ever heard, but I don't know anything about them.

20 Q. Do you know what context you've heard it in?

21 A. I just heard the -- I think it's when ACET --

22 when a company was being bought and made into ACET

23 Global.

24 Q. Okay. Let me ask you --

25 (Speaking simultaneously.)

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1 A. -- that name.

2 But that's all I heard, was the Baymark

3 name, kind of; but I don't know much about that.

4 I don't know anything of that. That's

5 just --

6 Q. (BY MR. FREEMAN) Okay.

7 A. -- hearsay, basically.

8 Q. Got it.

9 Let me know if you're familiar with any

10 of these following entities or -- or people.

11 Super G Capital?

12 A. I've heard of it. I don't know anything

13 about it.

14 Q. Do you know if -- if ACET Global had a

15 relationship with Super G Capital of any kind?

16 A. I don't know.

17 Q. Do you know if Windspeed did or does?

18 A. I don't know.

19 Q. Okay. You know a gentleman named Marc Cole,

20 or have you heard that name?

21 A. No.

22 Q. Steven Bellah?

23 A. No. I don't remember that one.

24 Q. Okay. So I want to talk a little bit about

25 the transition from ACET Ventures [verbatim] Partners

Page 20

1 to ACET Global. I think what you refer to as Koolulu

2 is ACET Partners -- ACET Venture Partners' operation.

3 Just to make sure we're talking the same

4 language, when were you working for what you refer to

5 as Koolulu?

6 MR. PERRIN: Objection; form.

7 A. 2014.

8 Q. (BY MR. FREEMAN) Until when?

9 A. Until I was -- my paychecks changed to ACET

10 Global in 2017, I think.

11 Q. Okay.

12 A. I'm not sure of the date exactly. I don't

13 remember, to be honest.

14 Q. No, that -- that's fair. That -- that's

15 close enough.

16 What -- what type of business did

17 Koolulu have?

18 A. I packed orders and shipped them out.

19 Q. Okay. Do you know, in bigger picture, what

20 kind of business it had or what it did generally?

21 A. Sold inventory that we had in the -- in there

22 to pack, and -- and move it and ship it out to

23 customers.

24 Q. What kind of inventory?

25 A. I don't remember exactly what inventory was

Page 21

1 there at that time.

2 Q. Okay. It have a logo?

3 A. I don't remember.

4 Q. Or have a Web site?

5 A. I don't remember.

6 Q. And you don't have any idea what kind of

7 inventory generally it -- it was that you were dealing

8 with, that you were packing up and sorting and sending

9 out?

10 A. Kitchen items, household goods, electronic --

11 like small electronics; variety of thing -- items like

12 that, smaller items.

13 Q. Well, when that transitioned into ACET

14 Global -- let's call it 2017, at some point -- was it

15 a complete change of the business?

16 A. No, not that I remember.

17 Q. Were you packing and shipping different kinds

18 of inventory or was it essentially the same kind?

19 A. It's the same kind of inventory; household,

20 kitchen.

21 Q. Okay. Was anything ever communicated to you

22 about the transition to ACET Global?

23 A. We were told it was -- we would be working

24 for ACET Global.

25 Q. Okay. Who told you that?



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<p>1 A. I don't remember.</p> <p>2 Q. Okay. Did you have any meetings about that?</p> <p>3 A. I don't remember.</p> <p>4 Q. Okay. Can you just describe what that</p> <p>5 transition was like, how things changed?</p> <p>6 A. I don't -- I don't remember anything standing</p> <p>7 out to me.</p> <p>8 Q. So does that mean no major changes, just</p> <p>9 change in name?</p> <p>10 A. I don't -- no, there was no major changes</p> <p>11 that I remember.</p> <p>12 Q. Okay. Were there new employees?</p> <p>13 A. Not that I remember. I don't really</p> <p>14 remember.</p> <p>15 Q. Okay. Do you remember if Tomer Damti's role</p> <p>16 changed at all?</p> <p>17 A. No, I don't remember that.</p> <p>18 Q. Do you remember if there were any changes to</p> <p>19 his authority or power in the company?</p> <p>20 A. No, I don't know.</p> <p>21 Q. Do you know if he reported to anyone?</p> <p>22 A. I don't know.</p> <p>23 Q. How did ACET Global -- how did it perform?</p> <p>24 Was it doing well? Was it doing bad? Any idea?</p> <p>25 A. I don't know that information, no.</p>	<p>1 A. We had meetings. I just don't remember what</p> <p>2 was discussed in all those meetings.</p> <p>3 Q. So Mr. Damti was the -- for a while was the</p> <p>4 CEO of ACET Global; is that correct?</p> <p>5 A. I believe so, yes.</p> <p>6 Q. Did his role as CEO at ACET Global end at</p> <p>7 some point?</p> <p>8 A. I don't know that.</p> <p>9 Q. Okay. Do you recall if he was fired or</p> <p>10 terminated in February of 2018?</p> <p>11 A. Who -- who? I mean, I'm sorry, I -- I don't</p> <p>12 understand the question.</p> <p>13 Q. Tomer Damti.</p> <p>14 A. Yes. What about -- what was the question</p> <p>15 again?</p> <p>16 Q. Was he ever fired, terminated, removed as CEO</p> <p>17 of ACET Global?</p> <p>18 A. We had a meeting; and in the meeting, we were</p> <p>19 informed that -- that Tomer was no longer there and</p> <p>20 that Bill Szeto would be responsible for the company.</p> <p>21 Q. Who said that in the meeting?</p> <p>22 A. I can't -- I'm trying to remember.</p> <p>23 Q. Okay.</p> <p>24 A. Maybe Matt. That -- that's who I think,</p> <p>25 maybe.</p>
Page 23	Page 25
<p>1 Q. Let me ask, did -- at any point while you're</p> <p>2 working at ACET Global, did -- did its management</p> <p>3 ever -- ever express concern about ACET Global's</p> <p>4 economic performance?</p> <p>5 A. I don't remember.</p> <p>6 Q. Do you remember if Mr. Szeto ever raised any</p> <p>7 concern about ACET Global's economic performance?</p> <p>8 A. I don't remember.</p> <p>9 Q. Do you remember anyone else raising concern</p> <p>10 about ACET Global's economic performance?</p> <p>11 MR. PERRIN: Objection; form.</p> <p>12 A. I don't remember. I can't recall.</p> <p>13 Q. (BY MR. FREEMAN) Okay. Did anyone else ever</p> <p>14 indicate that the business was failing?</p> <p>15 A. Not that I recall. I just -- I -- I don't</p> <p>16 remember of -- of that.</p> <p>17 Q. Don't remember anybody saying the business</p> <p>18 was failing?</p> <p>19 A. No, I don't remember that.</p> <p>20 Q. Do you remember anyone ever indicating that</p> <p>21 the business was not profitable?</p> <p>22 A. No. I -- I can't...</p> <p>23 Q. Do you remember if there were ever -- there</p> <p>24 were any meetings to discuss the future of the</p> <p>25 business?</p>	<p>1 Q. Matt Denegre?</p> <p>2 A. Possibly. I really couldn't tell you for</p> <p>3 sure. Possibly.</p> <p>4 Q. Any idea why Matt would have been the one</p> <p>5 conveying that message?</p> <p>6 A. No.</p> <p>7 MS. HARD-WILSON: Objection; form.</p> <p>8 Q. (BY MR. FREEMAN) Okay.</p> <p>9 A. I don't know.</p> <p>10 Q. Okay. Who all, that you recall, may have</p> <p>11 been present in that meeting?</p> <p>12 A. Possibly Sai, Paula, Shira, Monica, I</p> <p>13 believe.</p> <p>14 Q. Okay. Did y'all have any -- did you have</p> <p>15 discussion with any of them about it?</p> <p>16 A. I don't really remember if -- what was</p> <p>17 discussed.</p> <p>18 Q. Okay.</p> <p>19 A. Things may have been discussed. I don't</p> <p>20 remember that.</p> <p>21 Q. Okay. Whoever it was that told you, did they</p> <p>22 say that Mr. Szeto was going to be the CEO going</p> <p>23 forward?</p> <p>24 A. I don't remember exactly what they said.</p> <p>25 Q. But that they told you that Mr. Szeto was</p>

7 (Pages 22 to 25)

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1 going to be in charge?  
2 A. I would be -- yes. I would be reporting to  
3 him, yes.  
4 Q. Okay. Did they say anything about why Tomer  
5 Damti was fired?  
6 A. Not that I remember.  
7 Q. Did they say anything about it having to do  
8 with the company performing poorly?  
9 MS. HARD-WILSON: Objection; form.  
10 A. Not that I remember.  
11 Q. (BY MR. FREEMAN) Do you remember if the  
12 company was performing poorly at that time?  
13 A. I don't -- I wasn't involved in the  
14 financial --  
15 Q. Okay.  
16 A. -- business.  
17 Q. Were there any major changes after Mr. Damti  
18 was -- was let go?  
19 A. I don't know what you're asking.  
20 Q. I mean were there -- were there any changes  
21 to the employees.  
22 Were there any employee changes?  
23 A. Not that I remember.  
24 Q. Any changes to the types of business that  
25 were engaged in?

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1 A. I mean, I still continued to print, pack and  
2 ship the orders.  
3 Q. Let me kind of shift topics here. I -- I  
4 want to talk about next the -- the shift from ACET  
5 Global to Windspeed Trading, LLC.  
6 A. Okay.  
7 Q. So you worked at ACET Global with essentially  
8 the same position you -- you currently have.  
9 When did you stop working at ACET  
10 Global?  
11 A. I received a termination letter at the end of  
12 September 2018.  
13 Q. Okay. Were you concerned receiving that?  
14 A. I don't -- I don't really don't remember what  
15 I was at the time.  
16 Q. Okay. You don't remember if you were  
17 concerned about losing your job?  
18 A. Yes, I was -- I was concerned.  
19 Q. Okay. Did you start looking for another job?  
20 A. No.  
21 Q. And why not?  
22 A. I just didn't have a chance to look for  
23 another job.  
24 Q. And why did you not have a chance to after  
25 receiving the termination letter?

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1 A. I didn't immediately start looking for a job.  
2 Q. Okay. Did you get another job after that?  
3 A. Yes. Bill approached me about working for  
4 another company.  
5 Q. Okay. What -- what other company was that?  
6 A. Windspeed.  
7 Q. Okay.  
8 A. Trading.  
9 Q. When did -- when did he approach you about  
10 that?  
11 A. I'm not sure. I don't -- I don't remember.  
12 Q. When did you start working at Windspeed?  
13 A. Right around October, near the same time.  
14 Q. Near the same time as you were terminated  
15 from --  
16 A. Close to that, yes.  
17 Q. Shortly?  
18 A. Shortly after.  
19 Q. Did he possibly ask you to work at Windspeed  
20 at the -- the same day that he gave you the  
21 termination notice?  
22 A. I -- I really can't recall the exact timing.  
23 Q. But you weren't worried, weren't concerned?  
24 Or you were?  
25 MR. PERRIN: Yeah.

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1 A. Yeah, I think I was concerned, if I remember  
2 correctly. Yes.  
3 Q. (BY MR. FREEMAN) Okay. So you started  
4 working at Windspeed beginning of October 2018; is  
5 that correct?  
6 A. I believe so, yes.  
7 Q. Okay. Who else started working at Windspeed  
8 at that time?  
9 A. Sai -- I can't say her last name, Paula  
10 Ketter, Jane Lin and, I believe, Vanessa. I don't  
11 remember her last name.  
12 Q. Okay. So Sai, Paula, Jane, Vanessa and you  
13 began working at Windspeed in October of 2018?  
14 A. Yes, I believe so.  
15 Q. Was Sai working at ACET Global in September  
16 of 2018?  
17 A. Yes.  
18 Q. Was Paula working at ACET Global in September  
19 of 2018?  
20 A. Yes.  
21 Q. Was Jane working at ACET Global in September  
22 of 2018?  
23 A. Yes.  
24 Q. Was Vanessa working at ACET Global in  
25 September of 2018?



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1 A. Yes.  
2 Q. Were you working at ACET Global in September  
3 of 2018?  
4 A. Yes.  
5 Q. Was Mr. Szeto working at ACET Global in  
6 September of 2018?  
7 A. Yes. I was reporting to him.  
8 Q. Was there anyone else working at ACET Global  
9 in September of 2018?  
10 A. Not that I remember.  
11 Q. So everyone that worked at ACET Global in  
12 September of 2018 began working at Windspeed in  
13 October of 2018?  
14 A. To my recall, yes.  
15 Q. Okay. And Mr. Szeto was the boss at ACET  
16 Global.  
17 Whatever his title was, was the boss at  
18 ACET Global; is that correct?  
19 A. I reported to him, yes.  
20 Q. Okay. Who started Windspeed?  
21 A. I believe, Bill Szeto.  
22 Q. Okay. So did Mr. Szeto start Windspeed while  
23 he was working at ACET Global?  
24 MS. HARD-WILSON: Objection; form.  
25 A. I don't know that.

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1 Q. (BY MR. FREEMAN) Okay. What was your role  
2 when working for Windspeed? Was it the same role you  
3 had?  
4 A. I printed orders, yes, and packed and shipped  
5 out inventory -- or, shipped out to customers.  
6 Q. Okay. Did you get a -- a formal offer of  
7 employment?  
8 A. Yes, I believe so.  
9 Q. Was there an employment contract of any sort?  
10 A. I don't believe so. I don't remember that.  
11 Q. Okay. Do you recall if there was any kind of  
12 onboarding, formal onboarding process?  
13 A. I don't understand what you're asking.  
14 Q. Did you go through any kind of HR process or  
15 anything, or did things just switch over to a new  
16 company name?  
17 MR. PERRIN: Objection; form.  
18 A. I -- I don't remember anything.  
19 Q. (BY MR. FREEMAN) Okay.  
20 A. HR process.  
21 Q. When this -- when this all happened, were  
22 y'all working at the same location or did y'all  
23 immediately move to a new location?  
24 A. We were not at the -- the -- there was an old  
25 warehouse but, no, Windspeed was at another location.

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1 Q. So Windspeed never operated from that old  
2 address?  
3 A. No.  
4 Q. Okay. Did you get a new e-mail address?  
5 A. Yes.  
6 Q. Did it -- you use -- from that point forward,  
7 did you use the ACET e-mail address?  
8 A. I don't remember.  
9 Q. Okay. Do you remember if there was ever a  
10 point you were working for both ACET Global and  
11 Windspeed at the same time?  
12 A. No.  
13 Q. Do you know if Windspeed ever paid for work  
14 that you did while you were working at ACET Global?  
15 A. No, not that I'm aware of.  
16 Q. Can you just describe to me -- describe to me  
17 how this -- from your vantage point, your -- your  
18 view, how did this transition from ACET Global to  
19 Windspeed occur? What happened?  
20 MS. HARD-WILSON: Objection; form.  
21 MR. PERRIN: Jason, just for the record,  
22 can we have the agreement again one -- one objection  
23 suffices for all defendants?  
24 MR. FREEMAN: We can.  
25 Ms. Tomerlin, just one second.

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1 THE WITNESS: Mm-hm.  
2 MR. FREEMAN: Just for the record, I'm  
3 going to reflect that the parties have an agreement  
4 amongst themselves that one defendant's objection to  
5 any question or answer in the deposition will be --  
6 will preserve that objection for the other defendants  
7 as well.  
8 MR. PERRIN: And let's just, if we can  
9 agree, we'll do that in all depositions.  
10 MR. FREEMAN: Agreed.  
11 MR. PERRIN: All right. Thank you.  
12 MS. HARD-WILSON: Agreed.  
13 Q. (BY MR. FREEMAN) Sorry, Ms. Tomerlin. I was  
14 asking if you could describe how the transition --  
15 what took place; what did you see in terms of how this  
16 transition took place.  
17 MS. HARD-WILSON: Objection; form.  
18 A. I printed orders that came into our  
19 software -- ShipStation, on our software -- and I  
20 packed them and I shipped them out.  
21 Q. (BY MR. FREEMAN) Was -- did the software  
22 change? Was it new software?  
23 A. Not that I remember.  
24 Q. Did you have to go in and input new customers  
25 into the software or was it all still there?

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1 A. I am not understanding your question.  
2 Q. Well, let me ask.  
3 Did -- when it changed, were you -- did  
4 you still use the same computer to run that software?  
5 A. Yes.  
6 Q. Was it the still exact software or was it a  
7 new software?  
8 A. I believe it was the same.  
9 Q. Did it still have all of the preexisting  
10 information in it that was there in September of 2018?  
11 A. Like, what are you -- I'm sorry, I am not  
12 understanding the question exactly.  
13 Q. Well, so I'm trying to visualize what it is  
14 you do in inputting in there but I'm assuming it  
15 auto-populates or populates with certain customers or  
16 certain delivery vendors.  
17 Is -- is that basically right?  
18 A. Right. We receive orders through the  
19 marketplaces, and then I print those orders out  
20 that -- that -- and so, there's new customer orders  
21 every day, so there's no saved customer information.  
22 So I printed new orders, and packed  
23 those and shipped them out.  
24 Q. Okay. So I'm -- you know, another example  
25 here would be, did you -- did -- did -- did the

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1 company have a relationship with Zulily?  
2 A. I believe that, yes, we -- we had. That was  
3 one of the marketplaces I shipped with, yes; I would  
4 receive orders for, yes.  
5 Q. So, for example, that data that would have  
6 been in your software system in -- in the September of  
7 2018, that was still part of the system in October of  
8 2018; is -- is that right?  
9 A. It --  
10 MR. PERRIN: Objection; form.  
11 A. We were still shipping. I was still shipping  
12 out orders with the different marketplaces.  
13 Q. (BY MR. FREEMAN) Using the same software,  
14 right?  
15 A. Yes.  
16 Q. Okay.  
17 A. To the best of my knowledge, yes.  
18 Q. Okay. Were there ever any meetings about the  
19 transition from ACET Global to -- to Windspeed that  
20 you were a part of?  
21 MR. PERRIN: Objection; form.  
22 A. Not that I remember. There --  
23 Q. (BY MR. FREEMAN) Did you ever --  
24 A. There were meetings at ACET Global, and then  
25 there was meetings at Windspeed Trading. I don't

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1 remember --  
2 Q. Okay.  
3 A. -- everything that was discussed in all of  
4 those meetings.  
5 Q. And when you -- when you say there were  
6 meetings, are you saying that there were meetings  
7 about that transition or just meetings about business  
8 generally?  
9 A. There were meetings about business in  
10 general. I don't recall everything that was discussed  
11 in those meetings.  
12 Q. Okay. You recall if you had any  
13 conversations with anyone about the transition from  
14 ACET Global to Windspeed?  
15 MR. PERRIN: Objection; form.  
16 A. What -- what do you mean by that? I don't  
17 understand. Conversations?  
18 Q. (BY MR. FREEMAN) Yeah. Like talking like  
19 we're doing here, with any employee, with Mr. Szeto  
20 with anyone, about the transition from ACET Global to  
21 Windspeed.  
22 A. Not that I remember.  
23 Q. Do you remember whether you had any of those?  
24 A. No, I don't remember that.  
25 Q. Okay. Do you remember whether there were any

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1 e-mails regarding that transition?  
2 A. No, I don't remember that.  
3 Q. Do you remember whether there were any text  
4 messages regarding that transition?  
5 A. No, I don't remember that.  
6 Q. Okay. So you didn't get any kind of e-mail  
7 or -- or messaging that said, you know, "This is how  
8 we're going to do things completely different in  
9 Windspeed than how we did them in ACET Global"?  
10 A. I don't remember the e-mails. I don't  
11 remember -- no, I don't remember that.  
12 I don't -- I don't remember any of the  
13 e-mails. If there were e-mails, I don't remember  
14 that.  
15 Q. Okay.  
16 A. I can't recall that.  
17 Q. How did Windspeed compare to ACET Global?  
18 MS. HARD-WILSON: Objection; form.  
19 A. It's another e-commerce company. I continue  
20 to do the same. I print orders, I pack the orders and  
21 ship them out.  
22 Q. (BY MR. FREEMAN) As far as you could see,  
23 were there any changes?  
24 A. Not in my position.  
25 Q. Did you see changes in any other position?

<p style="text-align: right;">Page 38</p> <p>1 A. No, not that I -- I don't know.</p> <p>2 Q. Did anyone ever talk to you about how things</p> <p>3 had thanked in their position?</p> <p>4 A. No, not that I remember.</p> <p>5 Q. Did the products noticeably change?</p> <p>6 MR. PERRIN: Objection; form.</p> <p>7 A. Not that I remember.</p> <p>8 Q. (BY MR. FREEMAN) Did the employees noticeably</p> <p>9 change?</p> <p>10 A. Not that I remember.</p> <p>11 Q. Did the Web site noticeably change?</p> <p>12 A. I don't know about the Web site. I never</p> <p>13 worked on the Web site.</p> <p>14 Q. Okay. And you didn't work on the logo,</p> <p>15 either, or know about the logo?</p> <p>16 A. No.</p> <p>17 Q. Okay. Do you remember the Koolulu logo or</p> <p>18 Web site?</p> <p>19 A. No. I don't remember.</p> <p>20 Q. Okay. Did anyone else get more involved in</p> <p>21 Windspeed -- you know, anyone new get involved in</p> <p>22 Windspeed that wasn't involved in ACET Global?</p> <p>23 A. Not that I know of.</p> <p>24 Q. Okay. And -- and do you know why the</p> <p>25 business changed?</p>	<p style="text-align: right;">Page 40</p> <p>1 same --</p> <p>2 Q. So --</p> <p>3 A. -- work.</p> <p>4 Q. My question is, was there any change besides</p> <p>5 the -- the name of the company you were working for?</p> <p>6 MR. PERRIN: Objection; form.</p> <p>7 A. Yes.</p> <p>8 Q. (BY MR. FREEMAN) And what were those?</p> <p>9 A. We were in a new location.</p> <p>10 Q. Okay.</p> <p>11 A. And I was working for Windspeed Trading now.</p> <p>12 Q. Right. And what other changes were there?</p> <p>13 A. I don't know.</p> <p>14 Q. Okay. Were there other changes or is that</p> <p>15 all you know of?</p> <p>16 A. I'm not -- I don't know that. I don't know</p> <p>17 what all changes.</p> <p>18 I know I printed and packed orders and</p> <p>19 shipped.</p> <p>20 Q. And as we sit here today, the only changes</p> <p>21 that you can identify are: it was a change in the</p> <p>22 company name, and there was another location?</p> <p>23 MR. PERRIN: Objection; form.</p> <p>24 A. I don't think it was a change in name.</p> <p>25 Q. (BY MR. FREEMAN) Can you explain what you</p>
<p style="text-align: right;">Page 39</p> <p>1 MS. HARD-WILSON: Objection; form.</p> <p>2 MR. PERRIN: Objection; form.</p> <p>3 A. I don't understand your question.</p> <p>4 Q. (BY MR. FREEMAN) Why the business changed</p> <p>5 from ACET Global to Windspeed.</p> <p>6 MR. PERRIN: Objection; form.</p> <p>7 A. I was terminated from ACET Global, so, I</p> <p>8 don't know -- and I -- I worked -- went to work for</p> <p>9 Windspeed. I don't know of any change or any --</p> <p>10 anything about that.</p> <p>11 Q. (BY MR. FREEMAN) You say that was the only</p> <p>12 change, was the change of the name?</p> <p>13 MR. PERRIN: Objection; form.</p> <p>14 A. No. I'm saying I don't know what happened</p> <p>15 with ACET Global.</p> <p>16 Q. (BY MR. FREEMAN) Okay. Can you tell me</p> <p>17 what -- what did change besides the name, if that</p> <p>18 wasn't the only -- you know, if that wasn't the only</p> <p>19 thing?</p> <p>20 MR. PERRIN: Objection; form.</p> <p>21 A. I went to work for Windspeed, so it's a new</p> <p>22 company.</p> <p>23 Q. (BY MR. FREEMAN) Right. What other change</p> <p>24 was there?</p> <p>25 A. What do you mean? I still continue to do the</p>	<p style="text-align: right;">Page 41</p> <p>1 mean by that?</p> <p>2 A. I no longer worked for ACET Global.</p> <p>3 Q. Okay. You went -- you now work for a company</p> <p>4 with a different name, correct?</p> <p>5 MR. PERRIN: Objection; form.</p> <p>6 A. I worked for Windspeed Trading.</p> <p>7 Q. (BY MR. FREEMAN) Right. And that -- to my</p> <p>8 question, you worked for a company with a different</p> <p>9 name; is that correct?</p> <p>10 MR. PERRIN: Objection; form.</p> <p>11 A. I worked for Windspeed Trading. That's all</p> <p>12 I -- I don't know --</p> <p>13 MR. FREEMAN: Objection; nonresponsive.</p> <p>14 Q. (BY MR. FREEMAN) So you worked for ACET</p> <p>15 Global first, correct?</p> <p>16 A. I worked for Koolulu first, is what you're</p> <p>17 referring to; and then I worked for ACET Global.</p> <p>18 Q. Okay.</p> <p>19 A. And now I work --</p> <p>20 Q. Then, did you begin to --</p> <p>21 A. -- for Windspeed Trading.</p> <p>22 Q. -- work for a company with a different name?</p> <p>23 A. I work for Windspeed Trading now.</p> <p>24 Q. So just -- I'm going to ask it one more time.</p> <p>25 I'm going to ask you to answer the question that I ask</p>

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1 you.  
2 A. Okay.  
3 Q. All right?  
4 In September of 2018 you worked for what  
5 company?  
6 A. ACET Global. ACET Global.  
7 Q. Okay. In October of 2018, did you go to work  
8 for a company with a different name?  
9 A. I went to work, yes, for Windspeed Trading.  
10 Q. What other changes were there with respect to  
11 Windspeed Trading compared to ACET Global?  
12 MR. PERRIN: Objection; form.  
13 MS. HARD-WILSON: Objection; form.  
14 A. I still continued to work in fulfillment.  
15 Q. (BY MR. FREEMAN) No other changes?  
16 A. Not that I remember.  
17 Q. Did anyone inform you that it was -- that  
18 there was going to be a change prior to ACET Global  
19 shutting down?  
20 MR. PERRIN: Objection; form.  
21 A. Not that I remember. I don't remember.  
22 Q. (BY MR. FREEMAN) Okay. Was there a change in  
23 vendors whenever you began to work for Windspeed  
24 Trading?  
25 A. What do you mean by "vendors"?

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1 Q. Did you begin to use other companies, for  
2 example, to purchase inventory from or did you use any  
3 of the same companies?  
4 A. I don't know. I didn't purchase the  
5 inventory.  
6 Q. Okay. How did you distinguish between ACET  
7 Global's inventory and Windspeed's inventory?  
8 A. I don't know who owned what.  
9 Q. Was ACET Global's inventory moved over to the  
10 Windspeed warehouse?  
11 A. The inventory -- I'm not sure who owned what  
12 inventory, but the inventory from the other house  
13 was -- I mean, not other house -- the other warehouse  
14 was moved, yes.  
15 Q. Okay. Do you know when that was?  
16 A. September, I believe. October. Sometime the  
17 fall of 2018.  
18 Q. Okay. Would that have been -- if that was in  
19 September of 2018, was that before you were  
20 terminated?  
21 A. The -- it went from the warehouse to a  
22 storage unit, then from a storage unit to the  
23 Windspeed office location.  
24 Q. Okay. Did that process begin before you were  
25 terminated or after?

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1 A. I was -- the process began before. I believe  
2 it was in the storage warehouses -- storage units at  
3 that time.  
4 Q. Did you ask why it was being moved to storage  
5 units?  
6 A. No, Bill asked me to help see it being moved.  
7 Q. Did you do whatever Bill said?  
8 A. Yes.  
9 The movers came, and I helped oversee to  
10 that; for it to be moved into the storage units.  
11 Q. Okay. Where were those storage units?  
12 A. I don't remember exactly. Off of Coit Road.  
13 Q. Okay. Can you remember the name of the  
14 company?  
15 A. The name? No, I don't remember the name.  
16 Q. Do you remember what they looked like, what  
17 color?  
18 A. No.  
19 Q. No? Don't remember any of that?  
20 A. They were just long storage units.  
21 Q. Okay. How many storage units, about?  
22 A. There were two.  
23 Q. How big were the storage units?  
24 A. I'm not sure the size. They were large.  
25 Q. Okay.

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1 A. But I don't know the size.  
2 Q. So this was occurring in September of 2018;  
3 is -- is that correct?  
4 MR. PERRIN: Objection; form.  
5 A. I don't --  
6 Q. (BY MR. FREEMAN) Let's --  
7 A. -- remember --  
8 Q. Let's ask it --  
9 A. -- the date, but it was, yes, sometime in the  
10 fall of 2018.  
11 Q. (BY MR. FREEMAN) Let's ask it this way,  
12 Ms. Tomerlin.  
13 Did that occur while you were still  
14 working at ACET Global?  
15 MR. PERRIN: Objection; form.  
16 A. From the old warehouse to the storage unit,  
17 yes.  
18 Q. (BY MR. FREEMAN) Okay. And did anyone ever  
19 tell you why that was being done?  
20 A. Not that I remember, no.  
21 Q. Was it all of the inventory?  
22 A. I believe so, yes.  
23 Q. Okay. How long was that before you were  
24 terminated?  
25 A. I'm not exactly sure.

<p style="text-align: right;">Page 46</p> <p>1 Q. Okay. Was it a month before you were 2 terminated?</p> <p>3 MS. HARD-WILSON: Objection; form.</p> <p>4 A. I don't remember exactly.</p> <p>5 Q. (BY MR. FREEMAN) Okay. Was it closer to a 6 month or a day?</p> <p>7 MS. HARD-WILSON: Objection; form.</p> <p>8 A. I do not remember exactly. Possibly more 9 than a day, yes, but I don't remember the time frame.</p> <p>10 Q. (BY MR. FREEMAN) Did you know you were about 11 to be terminated at that time?</p> <p>12 A. Not that I remember.</p> <p>13 Q. Okay. Did anyone raise any concerns at that 14 time about the movement of the inventory?</p> <p>15 A. Not -- not that I remember.</p> <p>16 Q. Okay.</p> <p>17 A. It was a while back, so it's hard to remember 18 a lot of this.</p> <p>19 Q. Okay.</p> <p>20 So what happened with the inventory 21 after that?</p> <p>22 A. Then it was moved to the Windspeed location.</p> <p>23 Q. How long was it in the storage units?</p> <p>24 A. Maybe two months.</p> <p>25 Q. Okay. Were you in charge of moving it back</p>	<p style="text-align: right;">Page 48</p> <p>1 inventory coming in as well.</p> <p>2 Q. Okay. Was it ever -- was that inventory ever 3 segregated in any way?</p> <p>4 A. No, not that I -- no.</p> <p>5 Q. It was just mixed in with everything else?</p> <p>6 MR. PERRIN: Objection; form.</p> <p>7 A. Yes.</p> <p>8 Q. (BY MR. FREEMAN) Okay. I'm sorry. Was -- 9 was that inventory mixed in with all the other 10 inventory?</p> <p>11 A. Yes. The inventory wasn't separated.</p> <p>12 Q. Okay. Was it possible to distinguish that 13 inventory from the other inventory?</p> <p>14 A. No.</p> <p>15 Q. Okay. Did anyone ever come and take that 16 inventory from Windspeed?</p> <p>17 A. Not that I'm aware of.</p> <p>18 Q. Or, like, did anyone ever come and separate 19 it off and say, "You can't sell this inventory"?</p> <p>20 A. I'm not responsible for selling.</p> <p>21 Q. Okay.</p> <p>22 A. But, no, no one said anything about shipping 23 the inventory.</p> <p>24 Q. Okay. Did Mr. Szeto know that that was -- 25 that inventory was being held this way?</p>
<p style="text-align: right;">Page 47</p> <p>1 to the -- or, to the new office?</p> <p>2 A. Bill Szeto oversaw it, but I did -- I was 3 here, yes.</p> <p>4 Q. Okay. What did you do and what did you see?</p> <p>5 A. I just saw the movers moving everything in, 6 then I locked the door and left.</p> <p>7 Q. Okay. And when was that?</p> <p>8 A. Possibly -- maybe November 2018.</p> <p>9 Q. November of 2018?</p> <p>10 A. Possibly, yes.</p> <p>11 Q. Okay. Did all the inventory look like it was 12 still there?</p> <p>13 A. Yes.</p> <p>14 Q. What happened to that inventory after that?</p> <p>15 A. The inventory was here. We -- I continued to 16 print orders and pack and ship from the inventory I 17 had on hand.</p> <p>18 Q. Did that include that inventory?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Did you sell all of that inventory 21 or --</p> <p>22 A. I --</p> <p>23 Q. -- is it still around?</p> <p>24 A. -- don't know.</p> <p>25 I don't remember. We receive new</p>	<p style="text-align: right;">Page 49</p> <p>1 MS. HARD-WILSON: Objection; form.</p> <p>2 A. I'm sure he did.</p> <p>3 Q. (BY MR. FREEMAN) Okay. Did Mr. Szeto ever 4 say to segregate that inventory?</p> <p>5 A. Not that I remember.</p> <p>6 Q. Did Mr. Szeto ever say to treat that 7 inventory differently or in any particular way?</p> <p>8 A. Not that I'm aware of.</p> <p>9 Q. Okay.</p> <p>10 A. The inventory was just placed in the 11 warehouse, and I pulled orders and packed those orders 12 and shipped out.</p> <p>13 Q. Okay.</p> <p>14 A. I don't know who owned or what was going on 15 on that -- that end, on selling. I was just packing 16 orders, using the inventory on hand.</p> <p>17 Q. Was there -- was there any other information 18 from ACET Global that you know of that did not go into 19 those storage units?</p> <p>20 A. Not that I'm aware of.</p> <p>21 Q. Okay. And then, was there any other 22 inventory from those storage units that did not then 23 go to Windspeed's new location?</p> <p>24 A. Not that I'm aware of.</p> <p>25 Q. Okay. Let me ask this way.</p>

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1 Did -- was there ever a time when  
2 Windspeed bought \$500,000 worth of new inventory, that  
3 you remember?  
4 MR. PERRIN: Objection --  
5 A. I didn't purchase --  
6 MR. PERRIN: -- to form.  
7 A. -- inventory.  
8 Q. (BY MR. FREEMAN) Okay. Were there ever any  
9 discussions about that inventory that came from ACET  
10 Global?  
11 A. I'm not sure what you're asking.  
12 Q. Any discussions in particular that -- that  
13 you would remember.  
14 A. Not that I remember.  
15 Q. Okay. Any discussion with anybody about  
16 there being a lien on that inventory?  
17 A. No. I don't have that information, no.  
18 Q. Ever any discussion about anybody conducting  
19 a foreclosure sale on that inventory?  
20 A. No, I don't know that information.  
21 Q. Really? So nobody ever said anything about  
22 some party foreclosing on the inventory of ACET  
23 Global?  
24 MS. HARD-WILSON: Objection; form.  
25 A. No. I don't know anything about foreclosing

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1 or anything like that.  
2 Q. (BY MR. FREEMAN) Okay. And Mr. Szeto never  
3 discussed that with you?  
4 A. About foreclosing?  
5 MS. HARD-WILSON: Objection.  
6 Q. (BY MR. FREEMAN) Yes, about -- about anyone  
7 foreclosing on -- on that inventory.  
8 A. I don't even know what you mean by  
9 "foreclosing."  
10 Q. Was there ever a lender who came and took  
11 that -- took the inventory, ACET Global's former  
12 inventory?  
13 A. No. No one came and took any inventory.  
14 Q. Okay.  
15 A. That I'm aware of.  
16 Q. Do you ever remember -- do you know if  
17 Windspeed ever went and purchased that inventory from  
18 ACET Global or anyone else?  
19 MS. HARD-WILSON: Objection; form.  
20 A. I believe they did; I -- I don't know that,  
21 though.  
22 I don't know that information for sure.  
23 Q. (BY MR. FREEMAN) Okay. Do you know if -- do  
24 you know if Windspeed ever purchased that inventory  
25 from Super G Capital?

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1 A. I don't know that for sure. I don't know  
2 that.  
3 Q. Okay. Do you know if Super G Capital had any  
4 ownership interest in Windspeed?  
5 A. I don't know.  
6 Q. Do you know if it has a 40 percent interest  
7 in Windspeed?  
8 A. I don't know.  
9 Q. Do you know if any entity with the name  
10 "Baymark" has a 40 percent interest in Windspeed?  
11 A. I don't know.  
12 Q. Would that be inconsistent with the way that  
13 Mr. Szeto has described his ownership in Windspeed?  
14 A. I don't know that information.  
15 My own understanding, that -- that Bill  
16 Szeto owns Windspeed.  
17 Q. Okay.  
18 A. But I don't have any financial information on  
19 that.  
20 Q. Okay. Do you work pretty closely with the  
21 inventory, in your position?  
22 A. Yes. I -- I print orders and then I pull  
23 from the inventory and pack it and ship it out.  
24 Q. In your day-to-day job, do you -- do you  
25 basically see the warehouse?

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1 A. Yes.  
2 Q. Would you notice if there was an influx of a  
3 bunch of new inventory?  
4 A. We did receive inventory. We do receive  
5 inventory coming in, yes.  
6 Q. All right. That's -- that's a common  
7 occurrence, correct?  
8 A. Yes.  
9 Q. Do you ever receive -- let me ask you, do you  
10 have any idea how much that inventory costs, like what  
11 a normal typical inventory purchase runs?  
12 A. No. I'm not aware of that.  
13 Q. Do you remember any time in January of 2019 a  
14 large amount of inventory coming into the warehouse?  
15 A. I remember inventory coming in, yes, at a  
16 regular basis.  
17 Q. Just normal course?  
18 A. I just don't remember the quantity.  
19 Q. Do you remember anyone ever telling you that  
20 Windspeed had acquired inventory from Super G Capital?  
21 A. I don't remember.  
22 Q. Do you remember ever fulfilling orders with  
23 inventory from Super G Capital?  
24 A. I don't know who would have owned inventory.  
25 That wasn't -- I was just pulling the orders and



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1 packing from the inventory that we have here, that we  
2 had on hand.  
3 Q. Okay. Do you recall what the address of ACET  
4 Venture Partners was?  
5 A. No.  
6 Q. How about ACET Global? I'm sorry I'm testing  
7 you on this. I'm just...  
8 A. It's in Plano.  
9 Q. Okay.  
10 A. I just can't remember the street name.  
11 Q. That's okay.  
12 A. It was Plano.  
13 Q. Plano. That's good enough.  
14 What about Windspeed Trading?  
15 A. Yes. We're in --  
16 (Speaking simultaneously.)  
17 A. It's International Parkway, Richardson,  
18 Texas.  
19 Q. (BY MR. FREEMAN) Got it. Okay.  
20 Did Windspeed have any other business  
21 locations?  
22 A. Not that I -- I know of.  
23 Q. Okay. Do you know if it generally used any  
24 other company addresses?  
25 A. No, I don't know that. I'm not aware of any.

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1 Q. I am going to attempt to do a screen share  
2 with you.  
3 Ms. Tomerlin, can you see the PDF that's  
4 up on your screen?  
5 A. Yes.  
6 Q. Okay. I have marked this as Exhibit 2 to  
7 identify it.  
8 A. Mm-hm.  
9 Q. Does this document look familiar?  
10 A. It looks like a purchase order. Yes.  
11 Q. Okay. Could you explain to me what a -- what  
12 a purchase order is?  
13 A. The marketplace, Zulily, will order so many  
14 items. We fulfill that by pulling the inventory,  
15 packing it, and then shipping it directly to Zulily.  
16 Q. Okay. And when was this shipped, if you can  
17 tell?  
18 A. February the 6th, 2019.  
19 Q. Okay. So am I understanding this correct  
20 that the -- the items or the inventory reflected on  
21 this Exhibit 2, this purchase order, appeared to have  
22 been all shipped in -- on February 6th of 2019 to  
23 Zulily?  
24 A. Correct.  
25 Q. And do you know who would write -- who would

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1 write this designation, "All Shipped"?  
2 A. We do in fulfillment. It could have been me  
3 or Paula Ketter.  
4 Q. Okay. Was that kind of the standard  
5 practice, to -- to write that on there?  
6 A. Yes.  
7 Q. Okay. And can you tell me, on -- on this  
8 purchase order with Zulily, what company is designated  
9 here as fulfilling this purchase order?  
10 A. It says ACET Venture Partners, LLC.  
11 Q. Now, did you work for that company?  
12 A. I am not sure. I think that was the Koolulu,  
13 but I'm not sure.  
14 But -- not sure. I mean, ACET Venture,  
15 if that was Koolulu.  
16 Q. Okay. What about that address? Was that  
17 Colulu's address?  
18 A. No. That is our address, Windspeed Trading's  
19 address.  
20 Q. That's Windspeed Trading's address?  
21 What about the e-mail address reflected  
22 there? Is that a domain that Windspeed used?  
23 A. Not that I'm aware of.  
24 Q. Do you have any idea why this purchase copy  
25 reflects ACET Venture Partners?

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1 A. No, I don't.  
2 MS. HARD-WILSON: Objection; form.  
3 A. I don't know.  
4 Q. (BY MR. FREEMAN) Okay. Do you know if other  
5 purchase orders reflected ACET Venture Partners?  
6 A. I don't know.  
7 MS. HARD-WILSON: Objection; form.  
8 A. I don't -- I don't know.  
9 Q. (BY MR. FREEMAN) Okay. Ms. Tomerlin, I'm --  
10 I'm putting on the screen what I've marked as  
11 Exhibit 3.  
12 MS. HARD-WILSON: Before -- before you  
13 start, Jason, I just wanted to ask if Dana needed a  
14 break.  
15 THE WITNESS: No. I'm fine.  
16 MS. HARD-WILSON: Okay.  
17 THE WITNESS: Thank you.  
18 MS. HARD-WILSON: Let us know.  
19 THE WITNESS: Thank you. I'm okay.  
20 Thank you. Just need to swallow my drink.  
21 MR. FREEMAN: Let me ask another  
22 question. Does Brenda need a break?  
23 MS. HARD-WILSON: I'm good, but it's  
24 been just over an hour so I wanted to make sure.  
25 MR. FREEMAN: Yeah, it's -- it's been

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1 a -- it's been a long day. I -- I am fine to take a  
2 break if y'all would like.  
3 Dana, you're doing great.  
4 THE WITNESS: I just needed a drink,  
5 that was it. I'm fine to go on.  
6 MR. FREEMAN: All right. We -- we'll go  
7 a little bit longer, and then we'll take a break here  
8 in just a little bit.  
9 Q. (BY MR. FREEMAN) So, Ms. Tomerlin, I -- I  
10 have what I've marked as Exhibit 3 on the screen.  
11 Is that showing up for you?  
12 (Marked Exhibit Nos. 2 and 3.)  
13 A. Yes.  
14 Q. (BY MR. FREEMAN) Does that generally -- do  
15 you recognize this document or this type of document?  
16 A. I'm not familiar with invoices.  
17 Q. Okay. I'm going to scroll through it so you  
18 can see the whole thing. If you need me to slow down  
19 anywhere, just let me know. I just want you to see  
20 the whole document.  
21 It still doesn't look familiar, correct?  
22 A. I -- I'm just -- I'm not familiar with  
23 invoices.  
24 Q. Okay.  
25 MR. FREEMAN: Let me ask you a -- some

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1 questions about a few -- well, you know what? I'll  
2 tell you what. That's actually a -- that's actually a  
3 good place for a break. Why don't we -- why don't we  
4 take like a five-minute break and then -- and then  
5 circle back up after that.  
6 THE VIDEOGRAPHER: All right. The time  
7 is 3:19 p.m. and we are off the record.  
8 (Break from 3:19 p.m. to 3:27 p.m.)  
9 THE VIDEOGRAPHER: The time is 3:27 p.m.  
10 and we are back on the record.  
11 Q. (BY MR. FREEMAN) Ms. Tomerlin, I want to ask  
12 you about a few people and would just like for you to  
13 tell me what you -- what you know about them.  
14 Sai Vattana. Who is Sai?  
15 A. She is our sales manager.  
16 Q. Okay. When did you first meet Sai?  
17 A. At ACET Global.  
18 Q. Okay. So was she an employee of ACET Global?  
19 A. Yes, I believe so.  
20 Q. Was she always the sales manager?  
21 A. I don't remember her title, but I don't know  
22 if it was always manager. I'm not sure.  
23 Q. But always in sales?  
24 A. Yes.  
25 Q. And what do you understand that -- what did

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1 that involve?  
2 A. I don't have that information.  
3 Q. Is she still an employee of ACET Global?  
4 A. I don't know that.  
5 I know that she works at Windspeed  
6 Trading.  
7 Q. Okay. And -- and her role at Windspeed is  
8 the same as it was at ACET Global?  
9 MR. PERRIN: Objection; form.  
10 A. I know she is a sales manager at Windspeed  
11 Trading.  
12 Q. (BY MR. FREEMAN) Okay. Do you know if her  
13 role is the same as it was at ACET Global?  
14 MS. HARD-WILSON: Objection; form.  
15 A. I know it has to do with sales.  
16 Q. (BY MR. FREEMAN) Okay. What about Jane Lin?  
17 Who is Jane Lin?  
18 A. She works in the accounting area.  
19 Q. Okay. Works for Windspeed?  
20 A. Yes, I'm -- yes. Windspeed Trading, yes.  
21 Q. When did you first meet Jane?  
22 A. At ACET Global.  
23 Q. Okay. Was she an employee of ACET Global?  
24 A. Yes.  
25 Q. And was she in the same role with ACET

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1 Global?  
2 A. She worked in accounting.  
3 Q. Okay. And she's currently an employee of  
4 Windspeed?  
5 A. Yes.  
6 Q. Going back to Sai, was Sai involved with  
7 inventory at all?  
8 A. I am not sure. I believe she helped purchase  
9 inventory.  
10 Q. Okay. Do you know who else helped purchase  
11 inventory?  
12 A. No, not -- I don't know.  
13 Q. Just Sai?  
14 A. I don't know who all is involved in  
15 purchasing inventory.  
16 Q. Okay. Okay. I am going to put on the screen  
17 what's marked as Exhibit 10.  
18 Ms. Tomerlin, can you see that?  
19 (Marked Exhibit No. 10.)  
20 A. I don't see anything yet.  
21 Q. (BY MR. FREEMAN) Yeah. I bet I know why.  
22 Can you see that now?  
23 A. Yes.  
24 Q. And -- and is this document marked as  
25 Exhibit 10?

<p style="text-align: right;">Page 62</p> <p>1 A. Yes.</p> <p>2 Q. Just want to give you a minute to look at</p> <p>3 this and look at the -- the language in the agreement.</p> <p>4 A. Okay.</p> <p>5 Q. Are you familiar with this document?</p> <p>6 A. No.</p> <p>7 Q. Does this have the name Koolulu, the company</p> <p>8 you've been referring to?</p> <p>9 A. Yes.</p> <p>10 Q. Is that the Koolulu, the -- the company or</p> <p>11 the brand or the Web site you -- you've referred to?</p> <p>12 A. I interviewed with the company, with Koolulu,</p> <p>13 as advertised. I mean, I -- when I went to work, I</p> <p>14 interviewed with -- with Koolulu.</p> <p>15 Q. Okay. Was that the company that Tomer Damti</p> <p>16 owned?</p> <p>17 A. I don't know who owned --</p> <p>18 Q. Was it --</p> <p>19 A. -- that company.</p> <p>20 Q. -- a company that he -- he ran?</p> <p>21 A. He -- I worked for him there, yes.</p> <p>22 Q. Okay. And that's the company that became</p> <p>23 ACET Global?</p> <p>24 A. I don't know the --</p> <p>25 MS. HARD-WILSON: Objection.</p>	<p style="text-align: right;">Page 64</p> <p>1 A. I don't know for sure.</p> <p>2 Q. (BY MR. FREEMAN) Okay. Is portion that's</p> <p>3 highlighted here -- is that your e-mail address?</p> <p>4 A. Yes. I check that e-mail every day. Yes.</p> <p>5 Q. Okay. Do you get e-mails related to Koolulu?</p> <p>6 A. No, but -- no.</p> <p>7 Q. Does this refer to products being fulfilled</p> <p>8 by Koolulu?</p> <p>9 A. That's what it says. That's what it looks</p> <p>10 like.</p> <p>11 Q. Do you understand yourself to have been</p> <p>12 fulfilling orders on behalf of Koolulu?</p> <p>13 A. No.</p> <p>14 Q. Do you know what this is referring to?</p> <p>15 A. I fulfill orders from restaurant.com.</p> <p>16 Q. Okay. And is this agreement between</p> <p>17 restaurant.com and koolulu.com?</p> <p>18 A. I don't know. I'm not familiar with this.</p> <p>19 Q. Okay. But you are acknowledging that you</p> <p>20 have fulfilled inventory purchases from or to</p> <p>21 restaurant.com?</p> <p>22 MR. PERRIN: Objection; form.</p> <p>23 A. I receive orders from restaurant.com that I</p> <p>24 print out and pack and ship, yes.</p> <p>25 Q. (BY MR. FREEMAN) Okay. So you ship inventory</p>
<p style="text-align: right;">Page 63</p> <p>1 Q. (BY MR. FREEMAN) Okay. But you -- you are or</p> <p>2 are not familiar with this document or any of the</p> <p>3 agreement reflected in it?</p> <p>4 A. No, I'm not familiar with it.</p> <p>5 Q. Do you have any idea why Koolulu would have</p> <p>6 been engaging in this transaction, which appears to be</p> <p>7 for a period from -- starting in January of 2019, and</p> <p>8 why this would be signed by Jane Lin over at Windspeed</p> <p>9 Trading?</p> <p>10 MS. HARD-WILSON: Objection; form.</p> <p>11 A. No, I don't know that.</p> <p>12 Q. (BY MR. FREEMAN) Could you look at that</p> <p>13 signature line and tell me what title appears</p> <p>14 between -- underneath the signatory?</p> <p>15 MR. PERRIN: Objection; form.</p> <p>16 A. "Sales."</p> <p>17 Q. (BY MR. FREEMAN) Okay. And are you familiar</p> <p>18 with Jane Lin?</p> <p>19 A. Yes.</p> <p>20 Q. Do you know why Jane Lin is signing a</p> <p>21 document, representing herself as having a title in</p> <p>22 sales?</p> <p>23 MR. PERRIN: Objection; form.</p> <p>24 A. I don't --</p> <p>25 MS. HARD-WILSON: Objection; form.</p>	<p style="text-align: right;">Page 65</p> <p>1 that's being purchased by restaurant.com and you ship</p> <p>2 it to restaurant.com?</p> <p>3 A. No. I receive orders from restaurant.com, I</p> <p>4 print them out, I pack them, and I ship them to the</p> <p>5 customers.</p> <p>6 Q. So you --</p> <p>7 (Speaking simultaneously.)</p> <p>8 Q. (BY MR. FREEMAN) Do customers order through</p> <p>9 restaurant.com?</p> <p>10 A. Yes.</p> <p>11 Q. And they order your products on their</p> <p>12 platform?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Do you do any work for koolulu.com?</p> <p>15 A. No.</p> <p>16 Q. Does Jane Lin do any work for koolulu.com?</p> <p>17 A. I don't know. I would say no.</p> <p>18 I'm not familiar with that.</p> <p>19 Q. Okay. Is this agreement consistent with your</p> <p>20 understanding of how Windspeed works?</p> <p>21 MS. HARD-WILSON: Objection; form.</p> <p>22 MR. PERRIN: Objection; form.</p> <p>23 A. I am not familiar with the agreements with</p> <p>24 the marketplaces.</p> <p>25 Q. (BY MR. FREEMAN) I'm showing you what's</p>

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1 marked as Exhibit 11.  
2 (Marked Exhibit No. 11.)  
3 Q. (BY MR. FREEMAN) Can you see this document,  
4 Ms. Tomerlin?  
5 Ms. Tomerlin, can you see --  
6 A. I'm sorry. I thought you heard me.  
7 Q. All right.  
8 A. Sorry.  
9 Q. What is the date of this document?  
10 A. January 10th, 2019.  
11 Q. Okay. And whose letterhead does this  
12 document have?  
13 A. Windspeed Trading, LLC.  
14 MR. PERRIN: Objection; form.  
15 Q. (BY MR. FREEMAN) And who signed this  
16 document?  
17 A. It says "William C. Szeto," is the name  
18 written there.  
19 Q. Okay. And take a look at the document,  
20 what's written in the document, and -- and tell me  
21 what this document appears to be doing or -- or  
22 requesting.  
23 MR. PERRIN: Objection; form.  
24 A. I'm not familiar with this document.  
25 Q. (BY MR. FREEMAN) Okay. Are you able to read

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1 it?  
2 MR. PERRIN: Objection; form.  
3 A. "Please close the following three accounts  
4 under Acet Global LLC effective immediately. Thank  
5 you."  
6 Q. (BY MR. FREEMAN) Okay. Was Acet Global, LLC  
7 still operating in 2019?  
8 A. I don't know.  
9 MS. HARD-WILSON: Objection; form.  
10 A. I don't know.  
11 Q. (BY MR. FREEMAN) Do you have any idea why  
12 William Szeto was directing the closure of its bank  
13 accounts in 2019?  
14 MS. HARD-WILSON: Objection; form.  
15 A. I don't know.  
16 Q. (BY MR. FREEMAN) We talked about this a  
17 little bit: Are -- are you familiar with Super G  
18 Capital?  
19 A. No.  
20 Q. And not familiar with whether or not it's a  
21 lender?  
22 A. I remember hearing the name, but, no, I'm not  
23 familiar with that information.  
24 Q. Who -- who do you remember hearing the name  
25 from?

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1 A. I don't remember exactly.  
2 Q. What do you remember, even if not exactly?  
3 A. I just don't remember. I remember hearing  
4 about Super G. That's all I...  
5 I can't recall.  
6 Q. Do you remember where you were when you heard  
7 about Super G?  
8 A. No, I just don't remember exactly.  
9 Q. Okay. Do you remember if ACET Global had a  
10 liability to Super G Capital?  
11 MS. HARD-WILSON: Objection; form.  
12 A. I don't know.  
13 Q. (BY MR. FREEMAN) Do you know -- do you know  
14 if ACET Global ever had a liability to Super G  
15 Capital?  
16 MS. HARD-WILSON: Objection; form.  
17 A. I don't know.  
18 Q. (BY MR. FREEMAN) Do you know if ACET Global  
19 was -- was ever failing financially?  
20 MS. HARD-WILSON: Objection; form.  
21 A. I don't know.  
22 Q. (BY MR. FREEMAN) Did you ever hear anyone  
23 talk about ACET Global defaulting on any loans?  
24 A. Not that I can remember.  
25 Q. Did you ever hear anyone at ACET Global ever

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1 talk about owing Tomer Damti \$3.2 million?  
2 MR. PERRIN: Objection; form.  
3 A. Not that I know of. Not that I remember.  
4 Q. (BY MR. FREEMAN) Did you ever hear anyone at  
5 ACET Global ever mention the fact that it never paid a  
6 single payment on the note of \$3.2 million that it  
7 owed to Tomer Damti?  
8 MS. HARD-WILSON: Objection; form.  
9 A. I don't know that, no.  
10 Q. (BY MR. FREEMAN) Did you ever hear anyone at  
11 ACET Global ever discuss the fact that it never paid a  
12 single payment on the promissory note that it made to  
13 Tomer Damti?  
14 MS. HARD-WILSON: Objection; form.  
15 A. I don't know.  
16 Q. (BY MR. FREEMAN) Did you ever hear anyone  
17 talk about the fact that Tomer Damti had a lien on the  
18 assets of ACET Global?  
19 MS. HARD-WILSON: Objection; form.  
20 A. Not that I remember.  
21 Q. (BY MR. FREEMAN) Okay. Did you ever hear  
22 anyone talk about the fact that ACET Global owed D&T  
23 Partners or ACET Venture Partners several million  
24 dollars?  
25 MS. HARD-WILSON: Objection; form.

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<p>1 A. No.</p> <p>2 Q. (BY MR. FREEMAN) Did you ever hear anyone</p> <p>3 talk about the fact that ACET Global failed to ever</p> <p>4 make a single payment on the several million dollars</p> <p>5 that it owed to ACET Venture Partners or D&amp;T Partners?</p> <p>6 MS. HARD-WILSON: Objection; form.</p> <p>7 A. No, I -- I did not -- I don't remember</p> <p>8 hearing that.</p> <p>9 Q. (BY MR. FREEMAN) Were you aware of that</p> <p>10 liability?</p> <p>11 A. No. I wasn't involved in any of the</p> <p>12 financial.</p> <p>13 Q. Okay. No one ever discussed the fact that</p> <p>14 there was a -- a liability owed of 2- to \$3 million to</p> <p>15 D&amp;T Partners or Tomer Damti or ACET Venture Partners?</p> <p>16 MS. HARD-WILSON: Objection; form.</p> <p>17 A. Not that I know of.</p> <p>18 Q. (BY MR. FREEMAN) Okay. Did there ever come a</p> <p>19 time that Super G Capital foreclosed on ACET Global's</p> <p>20 inventory?</p> <p>21 A. I don't know that.</p> <p>22 Q. You were never told that Super G Capital had</p> <p>23 foreclosed on ACET Global's assets or inventory?</p> <p>24 A. Not that I can remember.</p> <p>25 Q. Does that seem like something you would</p>	<p>1 with this.</p> <p>2 Q. (BY MR. FREEMAN) Ms. Tomerlin, just to be</p> <p>3 clear, even when someone objects or says "Objection;</p> <p>4 form," you still have a legal obligation to testify if</p> <p>5 you know the answer or think you know the answer.</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Has -- has anyone instructed you or</p> <p>8 asked you not to -- not to answer a question if</p> <p>9 someone objects?</p> <p>10 A. No.</p> <p>11 Q. Okay.</p> <p>12 So who does this letter, Exhibit 12,</p> <p>13 appear to be from?</p> <p>14 A. To be from?</p> <p>15 Q. Yes, ma'am.</p> <p>16 MR. PERRIN: Objection; form.</p> <p>17 A. Appears that the -- I'm not sure. I'm</p> <p>18 looking at the title -- the top of the page, and it</p> <p>19 says "Super G."</p> <p>20 Q. (BY MR. FREEMAN) Okay.</p> <p>21 A. That's all I see.</p> <p>22 Q. Do you -- do you recall ever being told that</p> <p>23 there was a notice of default, notice of disposition</p> <p>24 with respect to ACET Global's assets?</p> <p>25 A. No. I don't -- I don't remember -- I don't</p>
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<p>1 remember?</p> <p>2 MR. PERRIN: Objection; form.</p> <p>3 A. I wasn't aware of the financial situation.</p> <p>4 Q. (BY MR. FREEMAN) Okay. Ms. Tomerlin, I am</p> <p>5 placing what's marked as Exhibit 12 on your screen.</p> <p>6 Can you see this document?</p> <p>7 A. Yes.</p> <p>8 (Marked Exhibit No. 12.)</p> <p>9 Q. (BY MR. FREEMAN) Okay. Can you tell me --</p> <p>10 have you ever seen this document?</p> <p>11 A. No.</p> <p>12 Q. Can you tell me who this document is to?</p> <p>13 A. Who it's --</p> <p>14 MR. PERRIN: Objection; form.</p> <p>15 A. -- to?</p> <p>16 No.</p> <p>17 Q. (BY MR. FREEMAN) Does it appear to be to ACET</p> <p>18 Global, LLC?</p> <p>19 MR. PERRIN: Objection; form.</p> <p>20 A. The beginning of the letter says "ACET</p> <p>21 Global, LLC."</p> <p>22 Q. (BY MR. FREEMAN) Does that normally indicate</p> <p>23 who the letter is to?</p> <p>24 MR. PERRIN: Objection; form.</p> <p>25 A. I don't know. I don't -- I'm not familiar</p>	<p>1 know that information.</p> <p>2 Q. Okay. Ms. Tomerlin, I'm going to scroll</p> <p>3 through this document so you can see it. This will</p> <p>4 probably be helpful.</p> <p>5 I'm stopping on a page that's Bates-</p> <p>6 labeled D&amp;T Partners, LLC 000510, and it's marked at</p> <p>7 the top, "Exhibit 1," of this Exhibit 12 to this</p> <p>8 deposition.</p> <p>9 Do you recognize this document?</p> <p>10 A. It looks familiar, like it was some of the</p> <p>11 inventory that was gathered or listed.</p> <p>12 Q. And what do you mean by that?</p> <p>13 A. Some of the inventory looks familiar.</p> <p>14 Q. How so?</p> <p>15 A. On inventory that was sold or I shipped or</p> <p>16 shipped and packed.</p> <p>17 Q. While working at Windspeed?</p> <p>18 A. I am not sure.</p> <p>19 Q. Okay. Is that because you generally sold the</p> <p>20 same inventory at Windspeed that was sold at ACET</p> <p>21 Global or...?</p> <p>22 MR. PERRIN: Objection; form.</p> <p>23 A. Some of the same inventory, yes.</p> <p>24 Q. (BY MR. FREEMAN) But you -- you're not sure</p> <p>25 if you've seen this document or not?</p>

19 (Pages 70 to 73)

Page 74	Page 76
<p>1 A. There was an inventory list that we -- we did 2 formulate an inventory list before, at ACET Global. 3 Q. Okay. 4 A. Or -- and -- I would -- it looks familiar. 5 Q. Okay. 6 A. But I can't recall. 7 Q. Do you remember receiving all of this 8 inventory in March of 2019 at Windspeed? And I'll 9 scroll through it again so you can see all of them and 10 see the quantities. 11 Do you remember receiving this inventory 12 at Windspeed? 13 A. Some of them looks like some of the inventory 14 moved from the older warehouse -- or, the other 15 warehouse to the new -- our Windspeed warehouse. 16 Q. Some of the inventory that was moved -- 17 A. I -- 18 Q. -- to Windspeed in -- 19 A. I -- 20 Q. -- 2018? 21 A. I recognize some of it as inventory -- 22 Q. Okay. 23 A. -- that we moved. 24 Q. Was that the inventory that was mixed in with 25 the existing inventory that you're referring to?</p>	<p>1 as a reference. But I didn't use the Web site. I'm 2 not familiar. 3 Q. Can you tell me what you mean by "used as a 4 reference"? 5 A. I know it was not a -- a functioning site. I 6 think it was used for products from, like -- for 7 descriptions. 8 Q. Okay. When you say "not functioning," did it 9 just not work? 10 A. I didn't -- we didn't receive any orders in 11 fulfillment from the site that -- to my knowledge. 12 Q. Was it just more for marketing? 13 A. I'm -- I'm not sure. 14 Q. Okay. Have you seen any affidavit of Tomer 15 Damti? Have you been asked to read those? 16 A. I'm sorry. I don't understand the question. 17 Q. Have you been asked to read any affidavits or 18 declarations from Tomer Damti? 19 A. No. 20 Q. Okay. Have you been asked to read any 21 affidavits or declarations from Monica Plaskett? 22 A. Any affidatas [verbatim]? 23 Q. Affidavits, like -- 24 A. Oh. Okay. 25 Q. -- statements or -- or declarations.</p>
Page 75	Page 77
<p>1 A. That -- yeah, that this -- there was 2 inventory we moved from the old warehouse to the 3 storage unit, to Windspeed Trading; and -- and some of 4 that, when I'm looking at, looks familiar that was 5 moved. 6 Q. Okay. Okay. 7 Do you recognize any of these inventory 8 numbers or the inventory numbering system? 9 A. It looks like an inventory count. 10 Q. Okay. Do you recognize any of these types of 11 inventory codes or product numbers? 12 A. This -- I recognize some, maybe, yes. 13 Q. Okay. Do you recognize this item, this Tear 14 of a Fairy Bracelet? Not really? 15 A. Yes. I -- I kind of remember jewelry, yes. 16 Q. Okay. Is that an item that you sell at 17 Windspeed, or do you know? 18 A. I don't know. 19 Q. Okay. Again, you don't have much familiarity 20 with the -- Windspeed's Web site? 21 A. No. 22 Q. Do you know if it's currently working? 23 A. I don't know. I don't believe so. 24 Q. Do you know what's wrong with it? 25 A. No. I -- I'm not sure. I think it was used</p>	<p>1 A. No. 2 Q. Who all have you discussed this case with? 3 A. I'm sorry, what -- what -- 4 Q. Who -- who have you -- who have you discussed 5 this case with? 6 A. Bill Szeto informed us of the case, the -- us 7 here at Windspeed Trading. 8 Q. Okay. What did Bill Szeto say? 9 A. He -- he was just explaining there was a 10 lawsuit, and that was all I know of; and then he 11 explained that -- that -- that I was being asked to 12 give a deposition regarding the lawsuit. 13 Q. Okay. Did he give you any pointers? 14 A. No. He -- he actually just said to just be 15 honest and say what you know, if you know any of the 16 information that they're asking. 17 Q. Okay. Did he say to do anything if you 18 didn't know? 19 A. No. He just said, "If you know something, 20 yes; if you don't, you don't know." 21 Q. So he -- he told you, if you didn't know what 22 it was, not to say anything? Or -- 23 A. No. 24 Q. -- what did he say? 25 MR. PERRIN: Objection; form.</p>

20 (Pages 74 to 77)



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1 A. No. He just explained the deposition. They  
2 will ask us information; and if we know the  
3 information, to be honest and say the information if  
4 we know the information.  
5 Q. (BY MR. FREEMAN) Okay. Did -- can you  
6 elaborate on exactly what he said?  
7 A. That --  
8 MS. HARD-WILSON: Objection; form.  
9 THE WITNESS: I'm sorry.  
10 A. That was what he said.  
11 Q. (BY MR. FREEMAN) Okay. Did he go over what  
12 areas you were going to be asked about?  
13 MS. HARD-WILSON: Objection; form.  
14 A. He said they would ask questions that --  
15 about the business.  
16 Q. (BY MR. FREEMAN) About what business?  
17 A. My -- my -- in fulfillment, what I do and  
18 every -- all...  
19 Q. What aspects of your business did he tell you  
20 were going to ask about?  
21 A. He did not.  
22 MS. HARD-WILSON: Objection; form.  
23 THE WITNESS: Oh. Sorry.  
24 A. He did not.  
25 I asked him what it was regarding, and

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1 he said it was over the lawsuit over their -- a  
2 lawsuit.  
3 Q. (BY MR. FREEMAN) Okay.  
4 A. "And they may ask you questions, this is what  
5 it's about."  
6 Q. Okay. Did he tell you any areas you  
7 shouldn't talk about?  
8 A. No.  
9 MS. HARD-WILSON: Objection; form.  
10 A. Not that I remember, no.  
11 Q. (BY MR. FREEMAN) Not that you remember?  
12 A. No.  
13 Q. Is that something you would remember?  
14 MS. HARD-WILSON: Objection; form.  
15 A. What was the question again?  
16 Q. (BY MR. FREEMAN) If someone had told you not  
17 to testify about an area, is that something you would  
18 remember?  
19 MR. PERRIN: Objection; form.  
20 A. Yes, I would remember that.  
21 Q. (BY MR. FREEMAN) So -- so is the answer  
22 that -- no? Is -- is the answer not just no, he  
23 didn't tell you -- tell you that?  
24 MS. HARD-WILSON: Objection; form.  
25 A. What was the question again?

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1 Q. (BY MR. FREEMAN) I asked you, did he tell you  
2 not to testify about any area.  
3 A. Oh. No.  
4 MS. HARD-WILSON: Objection; form.  
5 MR. FREEMAN: Can we go off the record  
6 for a couple of minutes?  
7 THE VIDEOGRAPHER: The time is 4:00 p.m.  
8 and we are off the record.  
9 (Break from 4:00 p.m. to 4:05 a.m.)  
10 THE VIDEOGRAPHER: The time is 4:05 p.m.  
11 and we are back on the record.  
12 MR. FREEMAN: Ms. Tomerlin, I want to  
13 thank you for taking the time out of your day today  
14 and for sitting down with us and -- and going through  
15 this process. I know it's not fun. But you can now  
16 say you've sat through a deposition.  
17 Unless there are -- before you take deep  
18 breaths, I guess there is theoretically a chance that  
19 another attorney will want to ask you questions. I  
20 think you're about to be able to get on with your  
21 weekend.  
22 So I'll pass the witness.  
23 MS. HARD-WILSON: We reserve our  
24 questions.  
25 Thank you, Dana.

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1 THE WITNESS: Okay. Thank you.  
2 MR. PERRIN: Ed Perrin and the Baymark  
3 defendants reserve their questions as well.  
4 MR. FREEMAN: Okay. I think we are  
5 done.  
6 MR. PERRIN: Which means you're done,  
7 Ms. Tomerlin. Thank you for your time.  
8 THE WITNESS: Oh, we done? Okay.  
9 THE VIDEOGRAPHER: Sounds good.  
10 Before we go off the record, does  
11 anybody want a copy of the video or transcript?  
12 MR. FREEMAN: I'm sorry. I'm -- of the  
13 transcript?  
14 THE VIDEOGRAPHER: Yeah. Yeah. I guess  
15 I'll go with, like, Ms. Hard-Wilson, do you want a  
16 copy of the video or transcript?  
17 MS. HARD-WILSON: No, thank you.  
18 THE VIDEOGRAPHER: Mr. Perrin?  
19 MR. PERRIN: The transcript.  
20 THE VIDEOGRAPHER: Transcript. Perfect.  
21 All right. The time is 4:06 p.m. and we  
22 are off the record.  
23 (The deposition concluded at 4:07 p.m.)  
24  
25

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1 WITNESS CORRECTIONS AND SIGNATURE  
2 Please indicate changes on this sheet of paper,  
3 giving the change, page number, line number and reason  
4 for the change. Please sign each page of changes.  
5 PAGE/LINE CORRECTION REASON FOR CHANGE  
6 \_\_\_\_\_  
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25 \_\_\_\_\_

DANA TOMERLIN

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1 I, DANA TOMERLIN, have read the foregoing  
2 deposition and hereby affix my signature that same is  
3 true and correct, except as noted on the previous  
4 page(s), and that I am signing this before a Notary  
5 Public.  
6 \_\_\_\_\_  
7 DANA TOMERLIN  
8 STATE OF TEXAS \*  
9 COUNTY OF \_\_\_\_\_ \*  
10  
11 Before me, \_\_\_\_\_, on  
12 this day personally appeared DANA TOMERLIN, known to  
13 me, or proved to me under oath or through  
14 \_\_\_\_\_ (description of identity card or  
15 other document), to be the person whose name is  
16 subscribed to the foregoing instrument and  
17 acknowledged to me that they executed the same for the  
18 purposes and consideration therein expressed.  
19 Given under my hand and seal of office on  
20 this, the \_\_\_\_ day of \_\_\_\_\_, 2021.  
21  
22  
23  
24  
25

NOTARY PUBLIC IN AND FOR THE  
STATE OF TEXAS  
My Commission Expires: \_\_\_\_\_

JOB NO. 67301

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1 CAUSE NO. DC-19-09828  
2  
3 D&T PARTNERS, LLC | IN THE DISTRICT COURT OF  
4 (successor in interest |  
5 to ACET VENTURE |  
6 PARTNERS, LLC), |  
7 Plaintiff, |  
8  
9 V. | DALLAS COUNTY, TEXAS  
10  
11 ACET GLOBAL, LLC; |  
12 BAYMARK ACET HOLDCO, |  
13 LLC; BAYMARK ACET |  
14 DIRECT INVEST, LLC; |  
15 BAYMARK MANAGEMENT, |  
16 LLC; BAYMARK PARTNERS; |  
17 DAVID HOOK; TONY |  
18 LUDLOW; and WINDSPEED |  
19 TRADING, LLC, |  
20 Defendants. | 116TH JUDICIAL DISTRICT  
21  
22 REPORTER'S CERTIFICATION  
23 REMOTE ORAL AND VIDEOTAPED DEPOSITION OF DANA TOMERLIN  
24 MARCH 26, 2021  
25  
26 I, Mendy A. Schneider, a Certified Shorthand  
27 Reporter in and for the State of Texas, hereby certify  
28 to the following:  
29 That the witness, DANA TOMERLIN, was duly sworn by  
30 the officer and that the transcript of the oral  
31 deposition is a true record of the testimony given by  
32 the witness;  
33 That the deposition transcript was submitted on  
34 \_\_\_\_\_, 2021, to the witness, or to the  
35 attorney for the witness, for examination, signature,

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1 and return to Worldwide Court Reporters, Inc., by  
2 \_\_\_\_\_, 2021;  
3 That the amount of time used by each party at the  
4 deposition is as follows:  
5 MS. HARD-WILSON - 00:00:00  
6 MR. FREEMAN - 01:47:18  
7 MR. WOODS - 00:00:00  
8 MR. PERRIN - 00:00:00  
9 MR. MONTGOMERY - 00:00:00  
10 That pursuant to information given to the  
11 deposition officer at the time said testimony was  
12 taken, the following includes counsel for all parties  
13 of record:  
14 MR. JASON B. FREEMAN, MR. RYAN C. DEAN, AND  
15 MR. MATTHEW L. ROBERTS, Attorneys for Plaintiff.  
16 MS. BRENDA HARD-WILSON AND MR. TIM WOODS,  
17 Attorney for Defendant WINDSPEED TRADING, LLC.  
18 MR. EDWARD P. PERRIN, Jr., Attorney for  
19 Defendants ACET GLOBAL, LLC; BAYMARK ACET HOLDCO, LLC;  
20 BAYMARK ACET DIRECT INVEST, LLC; BAYMARK MANAGEMENT,  
21 LLC; BAYMARK PARTNERS; DAVID HOOK; and TONY LUDLOW.  
22  
23 I further certify that I am neither counsel for,  
24 related to, nor employed by any of the parties or  
25 attorneys in the action in which this proceeding was  
26 taken, and further that I am not financially or  
27 otherwise interested in the outcome of the action.  
28 Further certification requirements pursuant to  
29 Rule 203 of TRCP will be certified to after they have

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1 occurred.

2 Certified to by me this \_\_\_\_ day of \_\_\_\_\_, 2021.



3  
4  
5  
6 Mendy A. Schneider  
Mendy A. Schneider, CSR NO. 7761  
7 Expiration Date: 1-31-2023  
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1 FURTHER CERTIFICATION UNDER RULE 203 TRCP

2 The original deposition was \_\_\_\_ was not \_\_\_\_  
3 returned to the deposition officer on \_\_\_\_\_,  
4 2021.

5 If returned, the attached Corrections and  
6 Signature page contains any changes and the reasons  
7 therefor;

8 If returned, the original deposition was delivered  
9 to MR. JASON B. FREEMAN, Custodial Attorney;

10 That \$\_\_\_\_\_ is the deposition officer's charges  
11 to the Attorney for Plaintiff, MR. JASON B. FREEMAN,  
12 TBA# 24069736, for preparing the original deposition  
13 transcript and any copies of exhibits;

14 That the deposition was delivered in accordance  
15 with Rule 203.3, and that a copy of this certificate  
16 was served on all parties shown herein and filed with  
17 the Clerk.

18 Certified to by me this \_\_\_\_ day of \_\_\_\_\_, 2021.

19  
20  
21 Mendy A. Schneider  
22 Mendy A. Schneider, CSR NO. 7761  
23 Expiration Date: 1-31-2023  
24  
25

Worldwide Court Reporters, Inc.  
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3000 Wesleyan, Suite 235  
Houston, TX 77027  
(713) 572-2000

JOB NO. 67301

23 (Pages 86 to 87)